

**CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction: May 31, 2005  
Public Hearing: June 21, 2005

**CONTACT PERSON/PHONE:** Christina Valles, 541-4930

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. ZON05-00026, to allow for a Planned Residential Development on a portion of Tract 269 and all of Tract 270, Sunrise Acres Unit One, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Fidel Tibuni. ZON05-00026 (District 2)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

**\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\***

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**GEORGE G. SARMIENTO, AICP**  
DIRECTOR



**PLANNING, RESEARCH &  
DEVELOPMENT DEPARTMENT**

**March 25, 2005**

***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Christina Valles, Planner II

**SUBJECT:** ZON05-00026

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The City Plan Commission (CPC), on May 5, 2005, voted **8 - 0** to recommend **APPROVAL** of this special permit request for parking reduction, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

**Attachment:** Location Map

## **STAFF REPORT**

**Special Use Permit #:** ZON05-00026

**Property Owner(s):** T.A.B. – M. Limited Partnership

**Applicant(s):** Fidel Tibuni

**Representative(s):** Dorado Engineering, Inc.

**Legal Description:** A Portion of Tract 269 and all of Tract 270,  
Sunrise Acres #1

**Location:** Mercury Street between Sunrise and Moonlight Avenues

**Representative District:** # 2

**Area:** 1.376 Acres

**Zoning:** R-4 (Residential)  
**Proposed Zoning:** R-3A (Residential)

**Existing Use:** Vacant

**Proposed Use:** Reduced lot depth from 90 feet to 87 feet, front lot  
setback from 20 feet to 10 feet for Lots 4 & 5 only

**Recognized Neighborhood Associations Contacted:** Northeast Civic Association,  
Northeast Healthy Communities

**Surrounding Land Uses:**

<b>North -</b>	R-4 (Residential) / Single family
<b>South -</b>	R-4 (Residential) / Duplex
<b>East -</b>	R-4 (Residential) / Duplex
<b>West-</b>	R-4 (Residential) / Single family

**Year 2025 Designation:** Residential (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, May 5, 2005  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

## **Special Use Permit: ZON05-00026-**

### **General Information:**

The applicant is requesting a special permit to allow for reduced lot depth from 90 feet to 87 feet on lots 1, 2, 3, 6, 7, and 8 and front lot setback from 20 feet to 10 feet for Lots 4 & 5 which will serve for single-family residential development. The property is currently zoned R-4 (Residential), with a proposed rezone to R-3A (Residential). The site is currently vacant and is 1.376 acres in size. The proposed site plan shows 8 single-family residential lots to be located on the site. Access is proposed via Mercury Drive. There are no zoning conditions currently imposed on this property.

### **Information to the Commission:**

The Planning Department has received no calls or letters in support of or in opposition to this application.

### **Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends approval of this special permit request.

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “Provide a wide range of housing types that respond to the needs of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the Northeast Planning Area designates this property for residential land uses.

R-4 (Residential) and R-3A (Residential) zoning permit reduced lot depth from 90 feet to 87 feet and front lot setback from 20 feet to 10 feet by special permit.

The Commission must determine the following:

- A. Will the special permit for Reduced lot depth from 90 feet to 87 feet on lots 1, 2, 3, 6, 7, and 8, and front lot setback from 20 feet to 10 feet for Lots 4 & 5 protect the best interest, health, safety and welfare of the public in general?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

No comments

Building Permits and Inspections Department, Development Division Notes:

No comments

Engineering Department, Development Division Notes:

No objections.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

No objections.

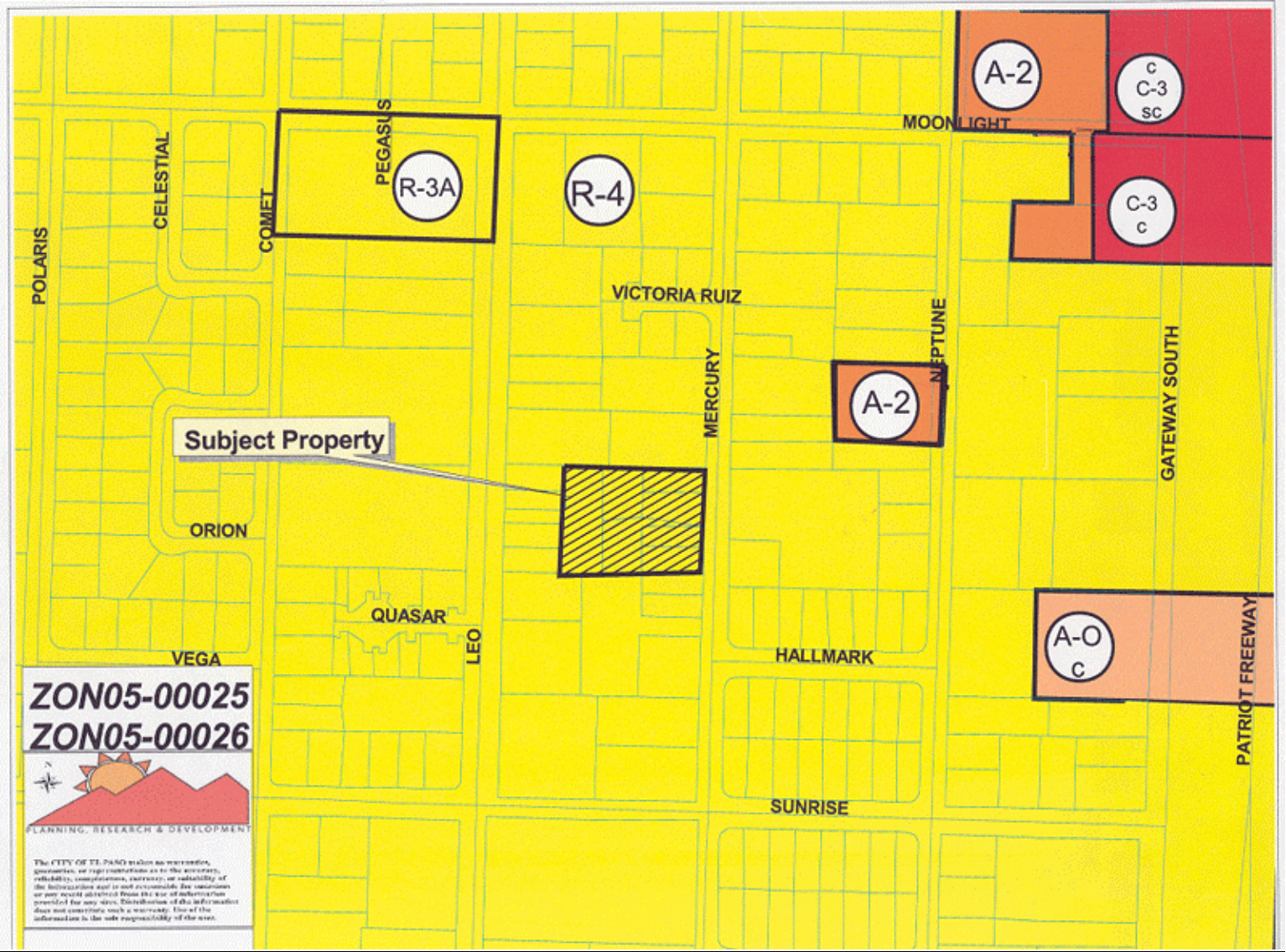
Planning, Research & Development Department Notes:

A. Driveways shall have a minimum length of 20 feet.

**ATTACHMENT:** Site Plan; Enclosure 1, Enclosure 2.

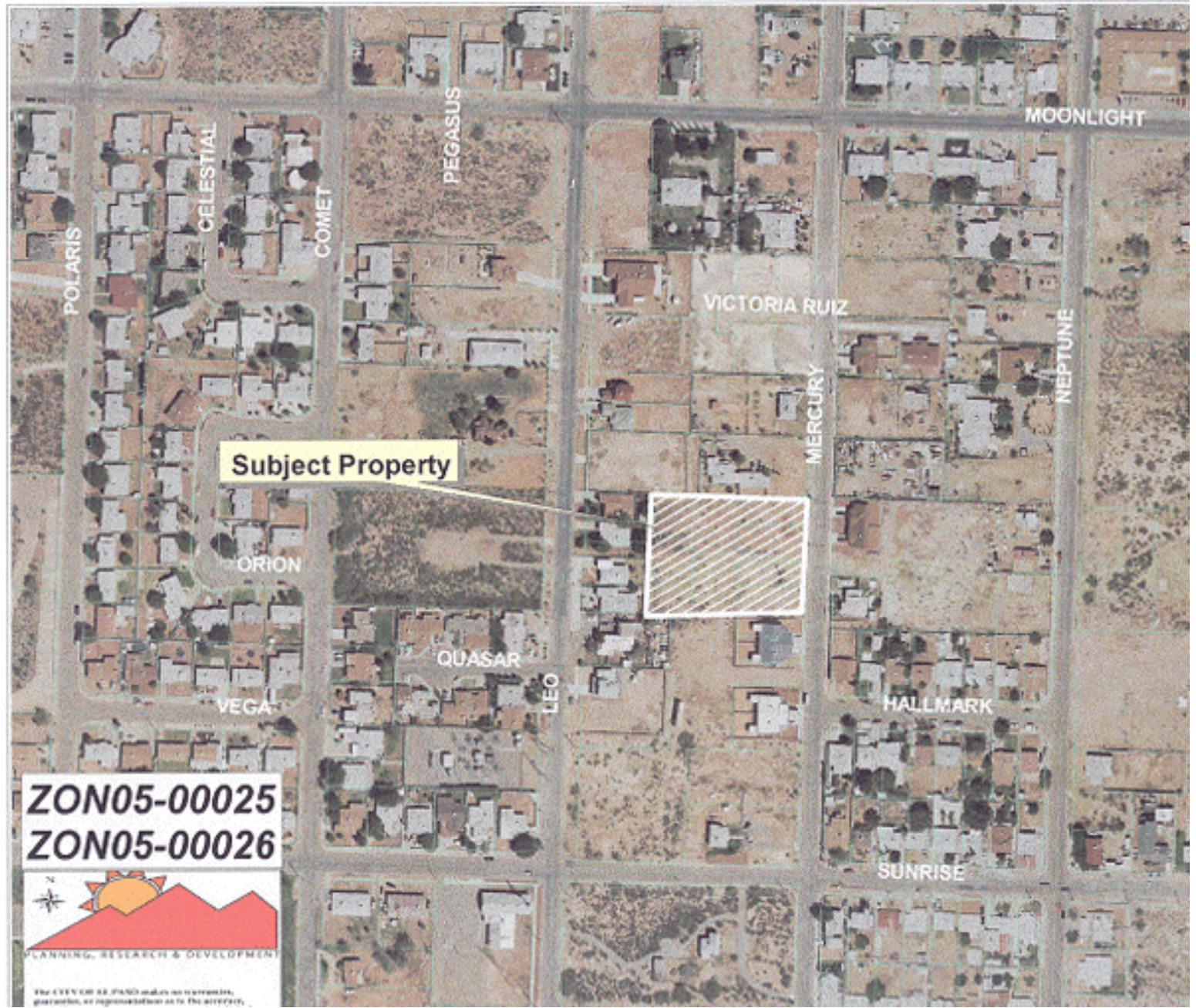
**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

## LOCATION MAP



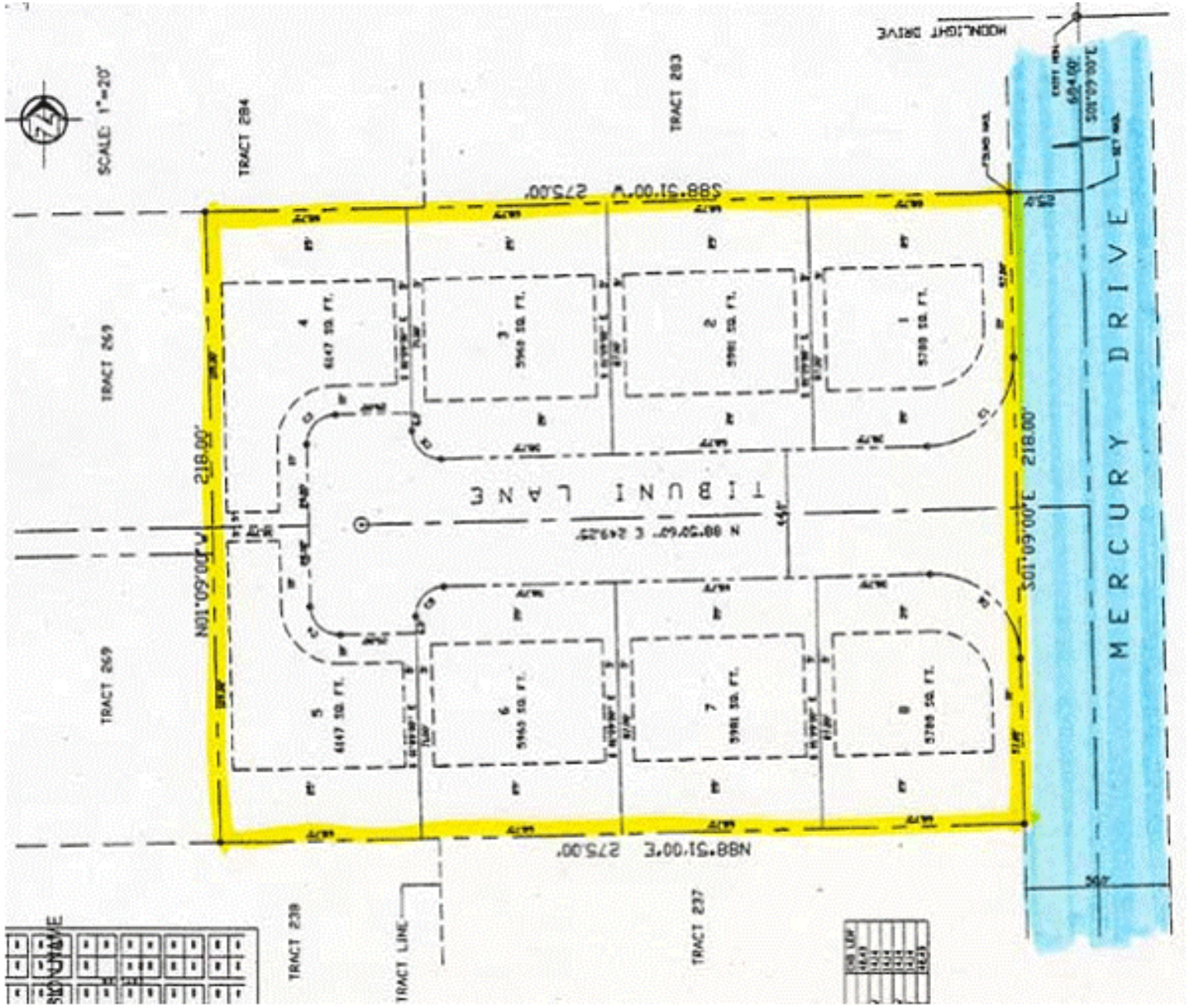


## AERIAL MAP





## GENERALIZED PLOT PLAN





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00026, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 269 AND ALL OF TRACT 270, SUNRISE ACRES UNIT ONE, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, T.A.B.-M. Limited Partnership has applied for a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

WHEREAS, the City Council of the City of El Paso finds that, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D of the El Paso Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-3A (Residential)** District:

*A portion of Tract 269 and all of Tract 270, Sunrise Acres Unit One, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and*

2. That a planned residential development is authorized by Special Permit in **R-3A (Residential)** districts under Section 20.12.040 of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-3A (Residential)** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00026** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

**PASSED AND APPROVED this \_\_\_\_\_ day of June, 2005.**

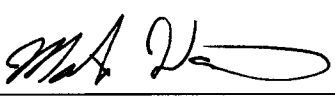
THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matt Watson  
Assistant City Attorney  
Doc No. 12693

*(Signatures continue on the following page)*

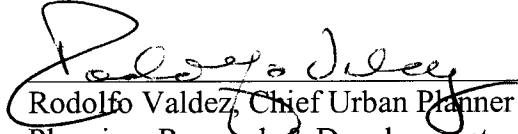
APPROVED AS TO CONTENT:



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Christina Valles, Planner II  
Planning, Research & Development  
Department

APPROVED AS TO CONTENT:



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Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development  
Department



## **DORADO ENGINEERING, INC.**

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

### **Tibuni Place Addition**

Metes and Bound description of a parcel of land being all of Tract 270 and portion of Tract 269, Sunrise Acres Addition, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From an existing city monument located at the center line intersection of Moonlight Drive and Mercury Drive South  $01^{\circ} 09' 00''$  East along the center line of Mercury Drive a distance of six hundred eighty four and no hundredths (684.00) feet for a corner at the intersection of the common line of Tracts 270 and 283, Sunrise Acres Addition, extended, and the center line of Mercury Drive; Thence South  $88^{\circ} 51' 00''$  West along the common line of Tracts 270 and 283, Sunrise Acres Addition, extended, a distance of twenty five and no hundredths (25.00) feet to the common Easterly corner of Tracts 270 and 283, Sunrise Acres Addition, said corner being the Point of Beginning for this description;

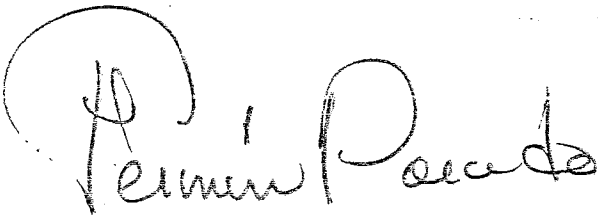
Thence South  $01^{\circ} 09' 00''$  East along the Westerly right of way line of Mercury Drive a distance of two hundred eighteen and no hundredths (218.00) feet to the common Easterly corner of Tracts 237 and 270, Sunrise Acres Addition;

Thence South  $88^{\circ} 51' 00''$  West along the common line of Tracts 237, 238, 269 and 270 Sunrise Acres Addition a distance of two hundred seventy five and no hundredths (275.00) feet to the Southwest corner of the property being described;

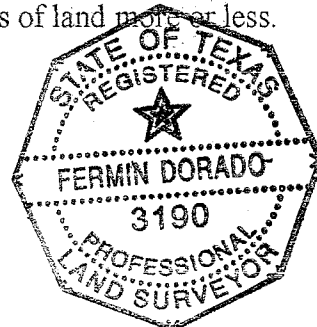
Thence North  $01^{\circ} 09' 00''$  West along the West property line of the property being described a distance of two hundred eighteen and no hundredths (218.00) feet for a corner on the common line of Tracts 269 and 284, Sunrise Acres Addition;

Thence North  $88^{\circ} 51' 00''$  East along the common line of Tracts 269, 270, 283 and 284 Sunrise Acres Addition, a distance of two hundred seventy five and no hundredths (275.00) feet to the common Easterly corner of Tracts 270 and 283 Sunrise Acres Addition, said corner also being the Point of Beginning for this description.

Said parcel of land contains 59,950.00 Square Feet or 1.376 acres of land more or less.



Fermin Dorado R.P.L.S.



March 22, 2005

## AGREEMENT

**T.A.B.-M. Limited Partnership**, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the **R-3A (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 24 day of May, 2005.

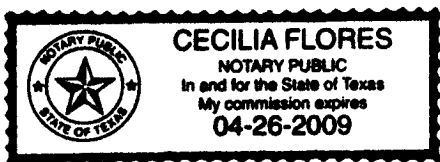
By: Fidel Tibuni  
PRESIDENT  
(name/title)

## ACKNOWLEDGMENT

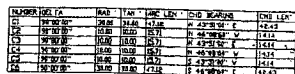
THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 24 day of May, 2005, by **Fidel Tibuni**, as Applicant.

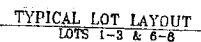
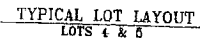
My Commission Expires:



Cecilia Flores  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Cecilia Flores



BEING ALL OF TRACT 270 AND A PORTION  
OF TRACT 280, SUNRISE ACRES NO. 1  
CITY OF EL PASO,  
COUNTY OF EL PASO, TEXAS  
CONTAINING 58,950.00 SQ. FT.  
OR 1.376 AC.



DATE OF PREPARATION MARCH 22, 2007

CITY MANAGER

P. 2